

86th Legislative Session – 2011

Committee: House Agriculture and Natural Resources

Tuesday, February 08, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Vanneman, Chair
P Hoffman, Vice-Chair
P Brunner
P Kopp
P Olson (Betty)
P Verchio
P Van Gerpen
P Nelson (Stace)
P Schaefer
P Schrempp
P Street
P Sigdestad
P Kloucek

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Vanneman, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 3, 2011.

Moved by: Schrempp
Second by: Brunner
Action: Prevailed by voice vote.

HB 1129: define a loaded firearm.

Proponents: Representative Kristin Conzet
Chuck Schroyer, SD States Attorneys Association
Opponents: Zach Lautenschlager, South Dakota Gun Owners

MOTION: AMEND HB 1129

1129ta

On page 1, line 5, of the printed bill, delete everything after "any firearm" and insert "containing an unexpended shell, cartridge, bullet, or projectile in the chamber or cylinder;".

On page 1, delete line 6.

Moved by: Nelson (Stace)
Second by: Brunner
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1129 AS AMENDED

Moved by: Brunner
Second by: Nelson (Stace)
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Vanneman, Hoffman, Brunner, Kopp, Olson (Betty), Verchio, Van Gerpen, Nelson (Stace), Schaefer, Sigdestad, Kloucek

Voting No: Schrempp, Street

HB 1082: provide for reduced hunting license fees for senior citizens.

Proponents: Representative Stace Nelson
Neal McIntyre, self, Winfred
Opponents: Tony Leif, Department of Game, Fish and Parks
George Vandel, self, Pierre

MOTION: AMEND HB 1082

1082tb

On page 1, line 7, of the printed bill, after "hunting license" insert "or permit".

On page 1, line 7, after "the license" insert "or permit".

On page 1, line 10, after "license" insert "or permit".

Moved by: Nelson (Stace)
Second by: Hoffman
Action: Prevailed by voice vote.

MOTION: DEFER HB 1082 TO THE 41ST LEGISLATIVE DAY

Moved by: Brunner
Second by: Schaefer
Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Vanneman, Brunner, Kopp, Verchio, Van Gerpen, Schaefer, Schrempp, Street

Voting No: Hoffman, Olson (Betty), Nelson (Stace), Kloucek

Excused: Sigdestad

HB 1163: allow certain disabled veterans to obtain a disabled hunter permit.

Proponents: Representative Stace Nelson (Handout 1)
Neal McIntyre, self, Winfred
Bob Hill, self, Brookings
Dennis Foell, Disabled American Veterans
Opponents: Emmett Keyser, Department of Game, Fish & Parks
George Vandel, self, Pierre

MOTION: DEFER HB 1163 TO THE 41ST LEGISLATIVE DAY

Moved by: Verchio
Second by: Schaefer
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1163

1163ta

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 41-8-37 be amended to read as follows:

41-8-37. ~~No~~ Except as provided in this section, no person, who is in or on a motor vehicle, may

discharge a firearm or bow and arrow at any wild animals except coyotes, jackrabbits, rodents, skunks, badgers, raccoons, and foxes.

Licensed hunters who have a disability rating by the United States Department of Veterans Affairs of at least thirty percent, and licensed hunters who are paraplegics or otherwise physically unable to walk with or without crutches, braces, or other mechanical support or who are otherwise considered to be limited or impaired in their ability to walk, and who have may apply for and shall receive a disabled hunter permit. Any licensed hunter who has been issued a disabled hunter permit by the department, may shoot in fields, woods, or from public roads from a stationary motor vehicle while hunting game animals or game birds in accordance with the conditions of the permit and rules promulgated by the Game, Fish and Parks Commission. The commission shall promulgate rules pursuant to chapter 1-26 to establish the definition of disabled hunter; the eligibility criteria, application, and approval procedures for issuance of a disabled hunter permit; the duration of a permit; and the extent of the permitted shooting activities.

A violation of this section is a Class 2 misdemeanor."

Moved by: Nelson (Stace)
Second by: Olson (Betty)
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1163 AS AMENDED

Moved by: Hoffman
Second by: Kopp
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Hoffman, Brunner, Kopp, Olson (Betty), Verchio, Van Gerpen, Nelson (Stace), Schaefer, Schrempp, Street

Voting No: Vanneman, Kloucek

Excused: Sigdestad

HB 1164: authorize senior citizens to hunt from vehicles.

Proponents: Representative Stace Nelson
Neal McIntyre, self, Winfred
Opponents: Tony Leif, Department of Game, Fish and Parks
George Vandel, Pierre, self
Robert Barden, self, Pierre
Chris Hesla, SD Wildlife Federation

MOTION: DEFER HB 1164 TO THE 41ST LEGISLATIVE DAY

Moved by: Verchio
Second by: Brunner
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1164

Moved by: Nelson (Stace)
Second by: Kloucek
Action: Failed by roll call vote. (3-8-2-0)

Voting Yes: Olson (Betty), Nelson (Stace), Kloucek

Voting No: Vanneman, Hoffman, Brunner, Verchio, Van Gerpen, Schaefer, Schrempp, Street

Excused: Kopp, Sigdestad

THE MOTION TO DEFER HB 1164 TO THE 41ST LEGISLATIVE DAY

Moved by: Verchio
Second by: Brunner
Action: PREVAILED BY ROLL CALL VOTE. (8-3-2-0)

Voting Yes: Vanneman, Hoffman, Brunner, Verchio, Van Gerpen, Schaefer, Schrempp, Street

Voting No: Olson (Betty), Nelson (Stace), Kloucek

Excused: Kopp, Sigdestad

MOTION: ADJOURN

Moved by: Verchio
Second by: Olson (Betty)
Action: Prevailed by voice vote.

Grace Curtis
Committee Secretary

Kim Vanneman, Chair

Committee Agenda

Committee: House Health and Human Services
Room: 412
Date: Tuesday, February 8, 2011
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1146](#) **limit copayment or coinsurance amounts for chiropractic services.**
Representatives Kirkeby, Fargen, Haggar, Hubbel, Hunt, Jensen, Kirschman, Moser, Novstrup (David), and Verchio and Senators Hansen (Tom), Begalka, Bradford, Lederman, and Nygaard

[HB 1185](#) **regulate persons offering speech-language pathology to the public.**
Representatives Romkema, Blake, Bolin, Boomgarden, Dryden, Hunhoff (Bernie), Kirkeby, Munsterman, Sly, Verchio, and Wick and Senators Hunhoff (Jean), Krebs, Rhoden, Schlekeway, and Tidemann

[SB 9](#) **revise certain provisions regarding eligibility requirements for the state risk pool.**
The Committee on Health and Human Services at the request of the Bureau of Personnel

[SB 22](#) **provide for the regulation and licensure of birth centers.**
The Committee on Health and Human Services at the request of the Department of Health

JAMIE BOOMGARDEN, Chair

86th Legislative Session – 2011

Committee: House Local Government

Tuesday, February 08, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Deelstra
P Feickert
P Kloucek
P Magstadt
P Munsterman
P Olson (Betty)
P Rausch
P Schrempp
P Tornow
P Tulson
P Venner
P Cronin, Vice-Chair
P Kirkeby, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Mark Kirkeby, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 3, 2011

Moved by: Rausch
Second by: Schrempp
Action: Prevailed by voice vote.

HB 1109: revise certain provisions concerning the township road system.

MOTION: DEFER HB 1109 TO THE 41ST LEGISLATIVE DAY

Moved by: Kloucek

Second by: Cronin
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Deelstra, Feickert, Kloucek, Magstadt, Munsterman, Olson (Betty), Rausch, Schrempp, Tornow, Tulson, Venner, Cronin, Kirkeby

HB 1168: revise certain provisions regarding the public records open to inspection and copying.

Presented by: Representative Marc Feinstein
Proponents: David Bordewyk, SD Newspaper Association
Opponents: Jeff Bloomberg, Bureau of Personnel (Handouts: #1)
Yvonne Taylor, SD Municipal League

MOTION: DEFER HB 1168 TO THE 41ST LEGISLATIVE DAY

Moved by: Tornow
Second by: Venner
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1168

Moved by: Schrempp
Second by: Kloucek
Action: Failed by roll call vote. (3-10-0-0)

Voting Yes: Feickert, Kloucek, Schrempp

Voting No: Deelstra, Magstadt, Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin, Kirkeby

MOTION: DEFER HB 1168 TO THE 41ST LEGISLATIVE DAY

Moved by: Tornow
Second by: Venner
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Deelstra, Magstadt, Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin, Kirkeby

Voting No: Feickert, Kloucek, Schrempp

HB 1193: clarify certain statutes prohibiting political subdivisions from restricting firearms.

Presented by: Representative Peter Kopp
Proponents: Representative Brian Liss
Kitty Werthmann, Eagle Forum
Representative Phil Jensen
Zach Lautenschlager, South Dakota Gun Owners (Handouts: #2)
Opponents: Yvonne Taylor, SD Municipal League (Handouts: #3, #4)
Lorin Pankratz, SD County Commissioners
Dick Howard, SD Association of Towns & Townships

MOTION: DO PASS HB 1193

Moved by: Venner
Second by: Olson (Betty)
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1193

1193fb

On the printed bill, delete everything after the enacting clause and insert:

"

Section 1. Any municipality may restrict the possession of firearms or any dangerous weapon as defined by § 22-1-2 in any building occupied as official office of the municipal elected officials, any building where the municipal governing body officially meets on a regular basis, or in any municipally owned building not licensed pursuant to chapter 35-3 where alcoholic beverages are served and consumed on site.

Section 2. Any county may restrict the possession of firearms or any dangerous weapon as defined by § 22-1-2 in any building occupied as official office of the county elected officials, any building where the county governing body officially meets on a regular basis, or in any county owned building.

Section 3. Any township may restrict the possession of firearms or any dangerous weapon as defined by § 22-1-2 in any building occupied as official office of the township elected officials, any building where the township governing body officially meets on a regular basis, or in any township owned building.

Section 4. That § 9-19-20 be repealed.

~~— 9-19-20. No municipality may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.~~

Section 5. That § 7-18A-36 be repealed.

~~— 7-18A-36. No county may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.~~

Section 6. That § 8-5-13 be repealed.

~~— 8-5-13. No township may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void."~~

Moved by: Tornow
Second by: Cronin
Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Deelstra, Feickert, Magstadt, Munsterman, Rausch, Tornow, Tulson, Cronin, Kirkeby

Voting No: Kloucek, Olson (Betty), Schrempp, Venner

MOTION: DO PASS HB 1193 AS AMENDED

Moved by: Tornow
Second by: Rausch
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1193 TO THE 41ST LEGISLATIVE DAY

Moved by: Venner
Second by: Olson (Betty)
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Deelstra, Feickert, Kloucek, Magstadt, Munsterman, Olson (Betty), Rausch, Schrempp, Tornow, Tulson, Venner, Cronin, Kirkeby

HB 1212: revise certain provisions regarding the county wheel tax.

Presented by: Representative Dennis Feickert (Handouts: #5, #6)
Proponents: Dick Howard, SD Association of Towns & Townships
Deb Mortenson, Associated General Contractors of SD, Incorporated.
Myron Rau, SD Trucking Association
Lorin Pankratz, SD County Commissioners
Opponents: Zach Lautenschlager, SD Tea Party Alliance

MOTION: AMEND HB 1212

1212oa

On page 1, line 5 of the printed bill, after "county" insert "or by the department".

On page 1, line 6, after "county" insert "or department".

On page 1, after line 7, insert:

"

Section 2. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this chapter, a super single wheel is considered as two vehicle wheels.

Section 3. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

For each trailer or semitrailer with an identification plate as provided by the provisions of § 32-5-8.1 or § 32-9-8.1 the wheel tax imposed by this chapter shall be imposed on the following number of wheels for each trailer or semitrailer based on the manufacturer's shipper weight of the trailer or semitrailer:

- (1) Four thousand pounds or less, inclusive--four wheels;
- (2) From 4,001 to 12,000 pounds, inclusive--eight wheels;
- (3) From 12,001 to 20,000 pounds, inclusive--twelve wheels; and
- (4) Over 20,000 pounds--eighteen wheels.

Section 4. That § 32-5A-3 be repealed.

~~32-5A-3. Upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this chapter shall prevent an automobile dealer from licensing the vehicles on his lot without paying any taxes created by this chapter.~~

Section 5. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the provisions of § 32-5A-2, at least fifteen percent of the revenue collected pursuant to section 1 of this Act shall be distributed to townships within the county. The township portion shall be apportioned among the organized and unorganized townships pursuant to § 32-11-6.

Section 6. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the provisions of § 32-5A-2, at least five percent of the revenue collected pursuant to section 1 of this Act shall be distributed to the municipalities within the county pursuant to subdivision 32-11-4.1(3).".

Moved by: Munsterman
Second by: Cronin
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1212 TO THE 41ST LEGISLATIVE DAY

Moved by: Venner
Second by: Tornow
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Deelstra, Kloucek, Magstadt, Munsterman, Olson (Betty), Rausch, Schrempp, Tornow, Venner, Cronin, Kirkeby

Voting No: Feickert, Tulson

HB 1160: regulate certain automatic periodic financial transfers for the purpose of funding political contributions.

THE CHAIR DEFERRED HB 1160 UNTIL FEBRUARY 10, 2011

MOTION: ADJOURN

Moved by: Cronin

Second by: Rausch

Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary

Mark Kirkeby, Chair

86th Legislative Session – 2011

Committee: House Taxation

Tuesday, February 08, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Conzet
P Feickert
P Feinstein
P Hunhoff (Bernie)
P Kirkeby
P Kirschman
P Liss
P Moser
P Perry
P Rozum
P Russell
P Solum
P Wick
P Greenfield, Vice-Chair
P Willadsen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Willadsen.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 1, 2011

Moved by: Greenfield
Second by: Kirkeby
Action: Prevailed by voice vote.

HB 1157: revise the rate of the insurance company premium and annuity taxes applied to court appearance bonds.

THE CHAIR DEFERRED HB 1157 UNTIL FEBRUARY 15, 2011

HB 1147: revise the taxation of rural electric companies with respect to receipts collected for compliance with certain environmental laws.

Presented by: Representative Roger Solum
Proponents: Ed Anderson, SD Rural Electric Association
Senator Tom Hansen
Brad Schardin, SDREA, Marion
Opponents: Charlie Flowers, SD Coalition of Schools
Dianna Miller, Large School Group

MOTION: AMEND HB 1147

1147ja

On page 1, line 11, of the printed bill, remove the overstrikes from "~~from~~".

On page 1, line 11, delete "for".

On page 1, line 13, remove the overstrikes from "~~within~~".

On page 1, line 13, delete "for".

Moved by: Moser
Second by: Greenfield
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1147 AS AMENDED

Moved by: Hunhoff (Bernie)
Second by: Feickert
Action: Prevailed by roll call vote. (15-0-0-0)

Voting Yes: Conzet, Feickert, Feinstein, Hunhoff (Bernie), Kirkeby, Kirschman, Liss, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield, Willadsen

HB 1190: exempt certain wind farms from taxation if located in an Indian reservation on land held in trust by the United States.

Presented by: Representative Larry Lucas

Proponents: Eric Antoine, Rosebud Sioux Tribe
Jesse Taken Alive, Standing Rock Sioux Tribe
Pat Spears, Lower Brule Sioux Tribe
Opponents: Andrew Fergel, Department of Revenue & Regulation
Lorin Pankratz, SD County Commissioners
Dick Howard, SD Association of Towns & Townships

MOTION: DO PASS HB 1190

Moved by: Feickert
Second by: Feinstein
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1190 TO THE 41ST LEGISLATIVE DAY

Moved by: Feickert
Second by: Russell
Action: Prevailed by roll call vote. (11-2-2-0)

Voting Yes: Conzet, Feickert, Liss, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield, Willadsen

Voting No: Feinstein, Kirschman

Excused: Hunhoff (Bernie), Kirkeby

SB 39: revise certain provisions regarding what organizations qualify for an exemption from sales tax as a relief agency or a religious educational institution.

Presented by: Jan Talley, Department of Revenue and Regulation

MOTION: AMEND SB 39

39fb

On page 2, line 7, of the printed bill, overstrike "1983" and insert "2011".

On page 2, line 10, delete "and religious educational institution".

On page 2, line 12, overstrike "1995" and insert "2011".

On page 2, line 14, after "." insert "For the purposes of this section, a religious educational

institution shall be defined as an institution currently recognized as exempt under section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2011, that maintains a campus physically located within this state."

Moved by: Solum
Second by: Moser
Action: Prevailed by voice vote.

MOTION: DO PASS SB 39 AS AMENDED

Moved by: Conzet
Second by: Feickert
Action: Prevailed by roll call vote. (9-3-3-0)

Voting Yes: Conzet, Feickert, Kirschman, Moser, Perry, Rozum, Solum, Wick, Willadsen

Voting No: Liss, Russell, Greenfield

Excused: Feinstein, Hunhoff (Bernie), Kirkeby

MOTION: ADJOURN

Moved by: Solum
Second by: Greenfield
Action: Prevailed by voice vote.

Cindy Tryon
Committee Secretary

Mark K. Willadsen, Chair

Committee Agenda

Committee: House Transportation
Room: 413
Date: Tuesday, February 8, 2011
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1215](#) **repeal certain refund provisions of the motor fuel tax for certain nonhighway agricultural use of motor fuels and to provide for the distribution of such motor fuel tax.**

Representatives Sigdestad, Abdallah, Dennert, Schrempp, Van Gerpen, White, and Wismer and Senators Tidemann, Frerichs, Fryslie, Hansen (Tom), Hundstad, Nygaard, Putnam, and Vehle

[HB 1221](#) **establish a task force on teen driving safety.**

Representatives Moser, Hoffman, Lucas, Magstadt, and Willadsen and Senators Schlekeway, Cutler, Garnos, Sutton, and Tieszen

[HB 1225](#) **conduct a study on the feasibility of maintaining aircraft under the control of the Department of Transportation.**

Representatives Blake, Abdallah, Bolin, Brunner, Elliott, Fargen, Feickert, Gibson, Hawley, Hunhoff (Bernie), Iron Cloud III, Killer, Kirschman, Kloucek, Moser, Romkema, Russell, Sly, Street, Turbiville, and Wismer and Senators Hundstad, Buhl, Frerichs, and Sutton

[HB 1216](#) **prohibit certain contract restrictions on the use of ethanol blender pumps by retailers.**

Representatives Fargen, Abdallah, Blake, Bolin, Boomgarden, Brunner, Cronin, Deelstra, Dennert, Elliott, Feinstein, Gibson, Gosch, Hansen (Jon), Hawley, Hickey, Hoffman, Hunhoff (Bernie), Iron Cloud III, Jones, Juhnke, Killer, Kirkeby, Kirschman, Kloucek, Lucas, Lust, Moser, Munsterman, Nelson (Stace), Novstrup (David), Olson (Betty), Rausch, Russell, Schrempp, Sigdestad, Sly, Solum, Street, Stricherz, Tulson, Vanneman, Verchio, White, Wick, and Wismer and Senators Olson (Russell), Begalka, Bradford, Buhl, Cutler, Frerichs, Garnos, Gray, Hansen (Tom), Heineman, Hundstad, Johnston, Lederman, Maher, Novstrup (Al), Nygaard, Peters, Rampelberg, Rave, Rhoden, Schlekeway, Sutton, Tidemann, and Vehle

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

MIKE VERCHIO, Chair